

FINAL ENVIRONMENTAL IMPACT REPORT

Tentative Map, Subdivision 5915
Nine-Unit Residential Development
Shepherd Canyon Road and Paso Robles Drive
Oakland Hills

ER 88-50

RESPONSES TO COMMENTS ON THE DRAFT EIR

An Addendum to the Draft EIR

City of Oakland

June, 1989



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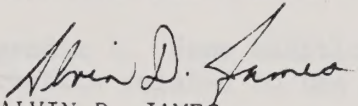
City of Oakland
Oakland, California

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ER-14

FINAL ENVIRONMENTAL IMPACT REPORT FOR:
Shepherd Canyon Residences (Subdivision 5915)
(Project Title)
California Environmental Quality Act

CERTIFICATION OF COMPLIANCE WITH THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT

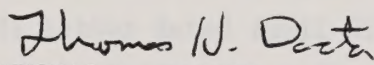
The Director of City Planning finds that the attached Final Environmental Impact Report has been completed in compliance with the California Environmental Quality Act, the Guidelines prescribed by the Secretary for Resources, and the provisions of the City of Oakland's Statement of Objectives, Criteria and Procedures for Implementation of the California Environmental Quality Act.


ALVIN D. JAMES
Director of City Planning

Date:

ACCEPTANCE OF FINAL REPORT BY CITY PLANNING COMMISSION

The attached Final Environmental Impact Report was accepted by the Oakland City Planning Commission at its meeting of _____.


THOMAS H. DOCTOR
City Planning Commission

Attach to Final Environmental Impact Report.

PROJECT EIR REVIEW

The Draft Environmental Impact Report (DEIR) on the proposed project was completed during April, 1989. A public hearing on the project and the DEIR was held by the Planning Commission on May 17, 1989.

The purpose of this addendum is to provide responses to comments on the DEIR, which were conveyed in letters to the City or presented during public testimony at the May 17 public hearing.

The next public hearing on the EIR and the project is scheduled for June 28, 1989. At that meeting, if the Planning Commission finds that this addendum provides adequate responses to comments on the DEIR, the Commission may certify (approve) the project Final EIR. (Together, the DEIR and the addendum comprise the Final EIR.)

ADDENDUM FORMAT

Copies of letters of comment are contained in Appendix A. Some additional letters, which do not require responses, but contain information related to the project and the EIR, are contained in Appendix B.

Beginning on page 2, each pertinent comment on the Draft EIR is presented, along with a response. In some cases, the comments are quoted; in other cases, for the sake of brevity, they are summarized. Where written comments are summarized, the reader may refer to the appendix for the full text of the comment. All comments which were made in public testimony are summarized. For a full account of such comments, the reader is referred to the tape-recorded proceedings of the Planning Commission meeting of May 17, available at the Planning Department office, Oakland City Hall.

LIST OF INDIVIDUALS AND ORGANIZATIONS COMMENTING ON THE DRAFT EIR

A. Written Comments

1. Nancy L. Gerow, 6653 Banning Drive, Oakland; letter dated April 20, 1989
2. George Nelidov, 3401 Noyo Street, Oakland; letter dated April 21, 1989
3. Dinar-Rubin & Associates (project architects); letter dated May 2, 1989
4. East Bay Bicycle Coalition, Oakland; Letter dated May 20, 1989
5. Dick Edminster, #2 West Circle, Oakland; letter dated May 25, 1989
6. East Bay Regional Park District; letter dated May 27, 1989

B. Public Testimony at May 17, 1989 Planning Commission Hearing

1. John Lindenmeyer, East Bay Regional Park District
2. Dick Edminster, #2 West Circle, Oakland
3. Paul Tamm, Secretary, Shepherd Canyon Homeowners Association

COMMENTS AND RESPONSES - WRITTEN COMMENTS

A. Public Parking for Trail Users

1. Nancy L. Gerow, 6653 Banning Drive; letter dated April 20, 1989

Comment. No provision has been made for trail-use parking for neighborhood residents. "The alternative to a planned parking area would be to park on Paso Robles Drive, a narrow street which cannot accommodate additional cars without reducing the safety of the area. Is it possible for the City...to make arrangements with Mr. Mel Copland, the owner of the...area east of Paso Robles (Shepherd Canyon Heights)...to develop a parking area there?"

2. Mitch Che, 6415 Shelterwood Drive; letter dated May 15, 1989

Comment. The informal trail-user parking at the east end of the project site will no longer be available with development as proposed. "Unless parking is provided, the result may be increased and potentially unsafe parking in and around the proposed development, on Shepherd Canyon Road and Paso Robles Drive. I suggest the proposed eastern-most unit on the cul-de-sac be eliminated. The developer should provide limited public parking on this lot for potential trail-users."

Response. Traditionally, it has not been the practice of local jurisdictions to require public-trail parking for small residential developments adjacent to or near public trails, particularly in the absence of general-plan-designated parking or staging facilities associated with such development. In the case of the proposed project, the propriety of requiring a public parking lot should be based on consideration of the nature of existing parking use, demand for parking at the site, and availability of parking options. The current on-site trail-use parking is on private property. For reasons of his own, the property owner has allowed this use even though he has the right to discontinue it by fencing the informal parking area. Unless City policy or regulations dictate otherwise, the owner appears to have no obligation to provide alternative parking on his private property or to dedicate a portion of his property for a parking lot. The Shepherd Canyon Corridor Plan does not call for a parking lot or staging area on or adjacent to the project site. The precise extent of trail-user parking demand at the project site is not known. However, observations made during project peak-period traffic counts (7-9 a.m. and 4:30-6:30 p.m., Sept. 13, 1988) and during randomly-timed field trips to the site, on weekends and weekdays during 1983 (when the first EIR was prepared) and 1988-89 (current EIR) indicate that the heaviest parking use is probably during the two-hour morning and afternoon commuter periods (as people exercise before and after work) and that the maximum number of trail-user vehicles present at any one time is about three or four. Thus, there appears to be no normally-heavy trail-user parking demand. It is probable that this level of parking demand could be accommodated on Paso Robles Drive along the frontages of the project site and the Shepherd Canyon Heights site to the east. Both frontages could be improved, formally or informally, with sufficient width to accommodate an appropriately modest level of parallel, on-street parking. An alternative to on-site trail-user parking would be use of the parking facilities at the Shepherd Canyon Park, approximately one-half mile west of the project site. The potential for developing parking on the Shepherd Canyon Heights property is not known and is

beyond the scope of this EIR. In the area nearest the project site, the Shepherd Canyon Heights property may not have sufficient depth to accommodate both parking and the planned improvement of the Shepherd Canyon Trail and, aside from the potential for trail/parking conflict, it is questionable whether the shallow depth of this area could accommodate a parking area that would preclude backing-out onto Shepherd Canyon Road, without resulting in major visual impact. Considering the current, apparently-modest trail-user parking demand at the project site, there appears to be no compelling need to eliminate one of the proposed project units in favor of a parking lot.

B. Shepherd Canyon Road Improvements

Mitch Che, 6415 Shelterwood Drive; letter dated May 15, 1989

Comment. "The draft EIR proposes widening Shepherd Canyon Road...and provision of a left-turn lane to Paso Robles. I feel this would only increase traffic speeds on Shepherd Canyon Road, which has a posted speed limit of 35 mph...Speeds in excess of 45 mph are not uncommon...EIR states that the 'project traffic would not result in significant congestion or traffic-hazard impact.' This is inconsistent with the suggestion of road widening. In fact, Paso Robles Drive acts as a 'bottleneck' to reduce average speeds on Shepherd Canyon Road. Unless other steps are taken to reduce speeds on Shepherd Canyon Road...a left-turn lane...only adds to the safety problem by allowing high-speed passing on the right."

Response. The project would result in relatively modest additional traffic on Shepherd Canyon Road and Paso Robles Drive, which, within the context of existing traffic, would not substantially contribute to overall roadway congestion. However, as noted by Mr. Che, the primary hazard at the Shepherd Canyon Road/Paso Robles Drive intersection is high-speed through traffic on Shepherd Canyon Road. During the evening commute period, when eastbound traffic is heaviest, there is a potential for rear-end collisions as vehicles slow down or stop to turn left onto Paso Robles. When this happens, it has often been observed that there is much heavy braking and weaving by streams of closely-following vehicles which, typically, are all going too fast and are tailgating. Sometimes, if the turning vehicle is far enough to the left, trailing vehicles will pass, or attempt to pass on the right; or several drivers will attempt to simultaneously pass on the right. In some cases, it has been observed that the left-turning motorists, apparently intimidated by high-speed vehicles bearing down on them from behind, will turn directly in front of high-speed traffic headed west on Shepherd Canyon Road. This condition may result in an intermittent "bottleneck" which temporarily slows through traffic, but maintenance of a hazardous condition is not an appropriate way to try to slow-down speeding traffic. In the case of the Shepherd Canyon Road/Paso Robles Drive intersection, the recommendation for a separate left-turn lane recognizes this fact, and is intended to accommodate it by providing a separate storage area for left-turning motorists, which will limit the potential for rear-end collisions, give the left-turning motorists the comfort of knowing that they do not have to turn in the face of oncoming traffic in order to escape the vehicles bearing down on them from behind, and to allow through traffic to pass left-turning vehicles without the hazards of heavy breaking, weaving, and conflicting attempts to pass on the right-hand shoulder.

C. Visual Characteristics

Mitch Che, 6415 Shelterwood Drive; letter dated May 15, 1989

Comment. "Since the impact of the project on visual characteristics cannot be mitigated over the short term, the City should require provisions for landscape maintenance in addition to the initial landscaping. Bonding or other financial assurances to perform the maintenance should be required from the developer."

Response. The Draft EIR (page 61, paragraph d) recommends that the approved landscaping plan be bonded or otherwise assured, and that assurance of long-term landscape maintenance be binding on homeowners.

D. Shepherd Canyon Trail

East Bay Bicycle Coalition, Oakland; letter dated May 20, 1989

1. Comment. "We note that the developer proposes only paving the extension of the...trail from the end of the private street to west border of lot 9. We urge that...the trail be paved throughout the site..."

Response. The Draft EIR recommends that the full length of the trail on-site be paved. The applicant has agreed to this. (See Dinar-Rubin & Associates letter dated May 5, 1989, Item 7, in Appendix B.)

2. Comment. The Coalition suggests that the minimum width of the on-site trail be eight feet of pavement with cleared two-foot shoulders, and also suggests consideration of the need for paved width of up to 12 feet.

Response. The City staff should determine the appropriate trail width in conjunction with review of final project plans. Based on the relatively modest volume of trail traffic, it is expected that eight-foot width would be adequate. The need for additional width should be balanced against the vegetation removal which would be required to accommodate more than eight feet of width.

3. Comment. The Coalition expresses concern about access to the trail from the west end of the project street, indicates that such access should be available 24 hours a day, and recommends that any barriers at the entrance to the trail be designed in conformance with the Class I Bikeway Standard of the California Highway Design Manual.

Response. It is anticipated that on-site trail access will be available 24 hours a day, consistent with access to other segments of the trail. The City staff should determine the appropriate design of trail facilities in conjunction with review of final project plans.

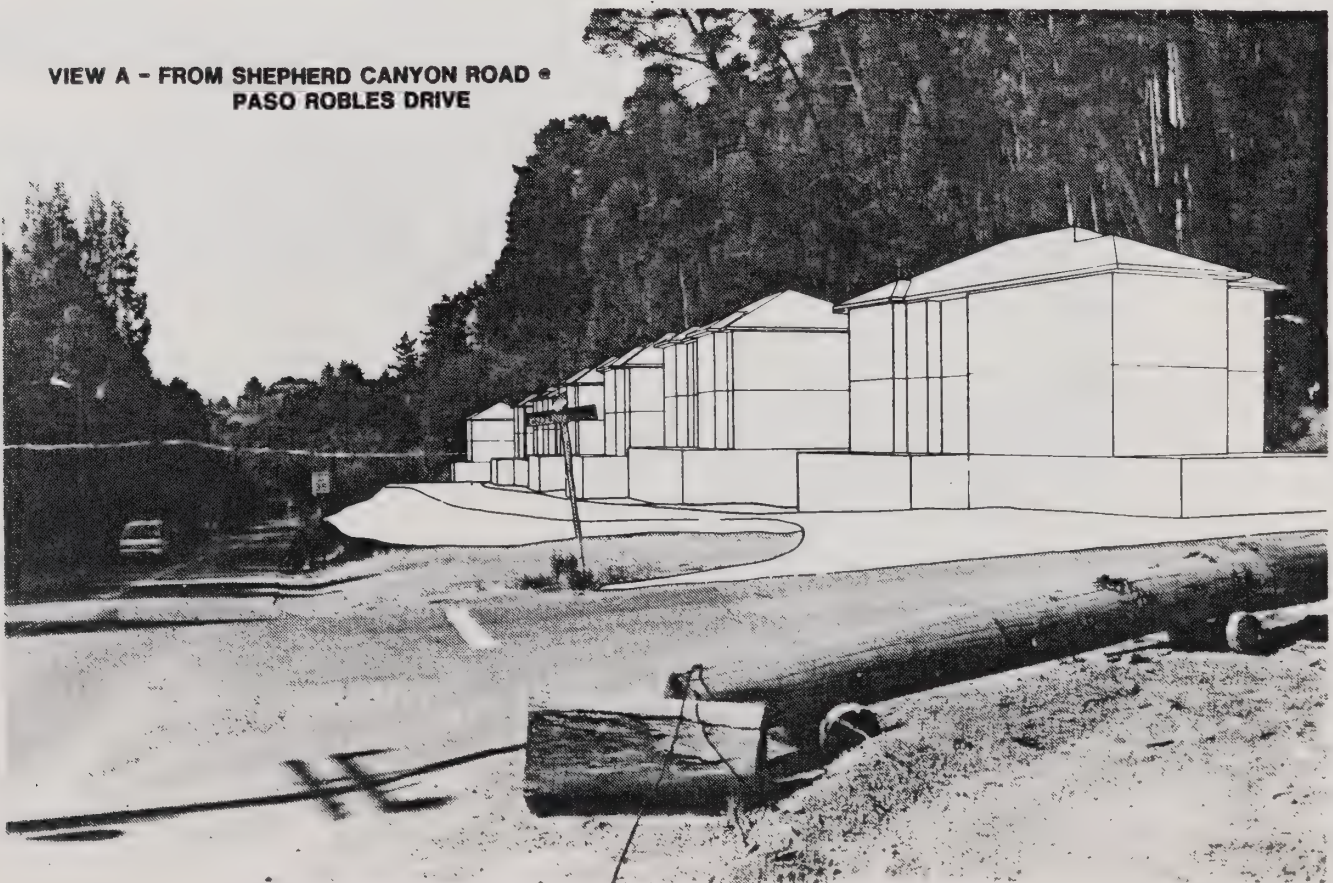
E. Perspective Drawings of Proposed Development

Dinar-Rubin & Associates (project architects), letter dated May 2, 1989

Comment. Figure 33-A, page 62, of the Draft EIR is a photo montage with a computer-generated drawing of the proposed development as viewed from Shepherd Canyon Road, looking west toward the project site. The project architects believe that this picture does not accurately reflect their design for the project, with regard to massing, height, siting, and a number of details, and have submitted two perspective drawings which are intended to correct deficiencies in the EIR picture. The EIR picture is shown below. The architects' drawings are shown on the opposite page.

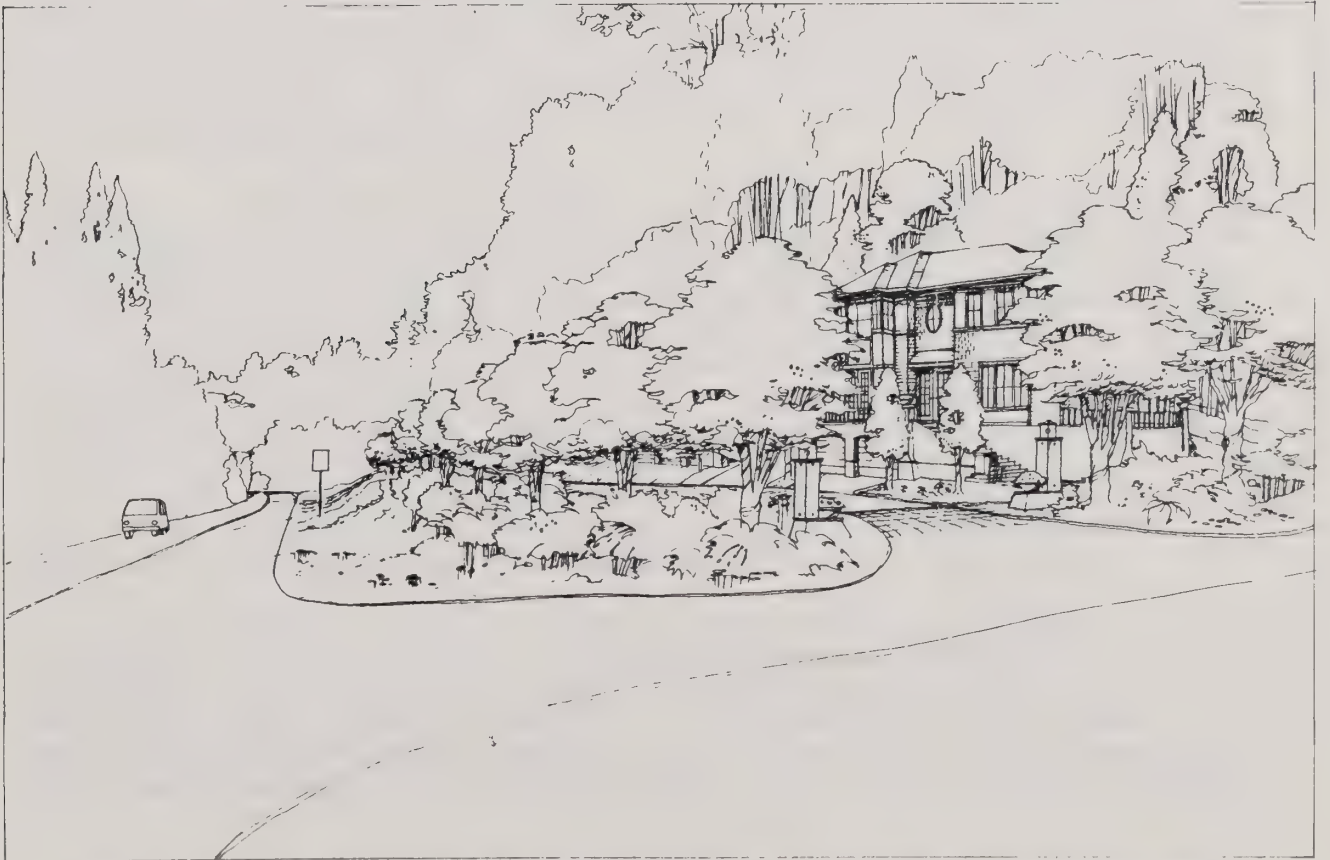
Response. The architects' drawings indicate that the visual impact of development mass, height, and siting would be somewhat less than indicated in the EIR computer drawing. However, for purposes of environmental review with regard to overall visual impact, the similarity of the presentations seems to be more important than the differences, and there is nothing about the architects' drawings which would justify any major change in the EIR's findings regarding the general visual impacts of the project, or in the recommended mitigation measures.

**VIEW A - FROM SHEPHERD CANYON ROAD •
PASO ROBLES DRIVE**





VIEW A - SHEPHERD CANYON ROAD AT PASO ROBLES DRIVE - PROPOSED LANDSCAPE SCREENING NOT SHOWN



VIEW A - SHEPHERD CANYON ROAD AT PASO ROBLES DRIVE - WITH PROPOSED LANDSCAPE SCREENING

F. Ownership of Open Space Parcels

(The matter of ownership of proposed open space parcels has yet to be resolved. The applicant has expressed a desire to dedicate the parcels to the East Bay Regional Park District and/or the City of Oakland. As of this writing, the consultant is not aware of any response from either jurisdiction with regard to this matter. As can be seen by the Dinar-Rubin & Associates letter of May 10, 1989, contained in Appendix B, the applicant has requested that the Park District consider acceptance of the parcels. Another Dinar-Rubin letter, dated May 5, 1989, also contained in Appendix B, indicates, in Item 5, that if no public dedication is made, it is the intent of the applicant that the open space parcels be "...conveyed to the Shepherd Canyon Development Corporation (the applicant) and the 9-homeowner association with a suitable deed restricting future development." This is the extent, as is known to the consultant, of the applicant's proposal regarding open space ownership.)

Dick Edminster, #2 West Circle; letter dated May 25, 1989

Comment. Mr. Edminster has indicated that it would be reasonable for the open space areas to be dedicated to the Park District or the City, or for some of the areas to be divided and allocated in ownership to various owners of proposed residential parcels, as mentioned in the impact/mitigation section of the Draft EIR, item A, page 56. However, he has expressed a number of concerns related to the possibility of joint open-space ownership by the project homeowners and the Shepherd Canyon Development Corporation. His questions with regard to such ownership relate to the applicant's incentive to maintain the open space after the residential lots are sold, the source of permanent insurance and of long-term maintenance funding, the effect on long-term maintenance of applicant bankruptcy or failure to pay taxes, the potential for the applicant to try to develop the open space at some future time, and the possibility of foreclosure and unwanted public ownership.

Response. In the absence of a definitive proposal for dealing with open space ownership, the EIR can address this question only in general terms. To this extent, it has been recommended in the DEIR (page 56, paragraphs A) that any of the open space parcels which are not accepted in public dedication should be retained as commonly-owned project open space, with the development rights granted to the City and recorded in the deed of each property, to preclude future development, and with adequate provision for long-term maintenance responsibility by the nine project owners. (This recommendation is not intended to preclude the possibility of grants of portions of the open space parcels to adjacent property owners.) The Planning Commission should not approve the project until such time as the City is assured that the issue of open space ownership, permanent maintenance responsibility, and ownership liability has been settled.

If the open space parcels, or portions of the parcels, are retained as commonly-owned areas, it is anticipated that liability and responsibility for long-term maintenance and tax payments would be arranged through the kind of homeowner-association system which is common to typical condominium developments. Such systems provide for annual fee payments by residential owners to cover costs of maintenance, insurance, and taxes, and may include separate property-management

service by a company which specializes in such business. Such an arrangement should preclude the potential for tax default and guarantee the availability of property-management financing, enforced by the self-interest of the property owners. The grant of open space development rights to the City, recorded in the deed of each property--or similar, permanent, legally-binding restrictions--would preclude the possibility of future development of the open space areas.

G. Amount of Open Space

Dick Edminster, #2 West Circle; letter dated May 25, 1989

Comment. "I request that the Final EIR address whether maintenance and protection of the open space areas could best be achieved by adding part of what is now shown as 'Lot 9' to open space Parcel A.

"As currently proposed, Lot 9 is more than one acre. Given this size, as well as the difficult topography and dense vegetation, it is doubtful whether an individual owner will have the ability or interest to properly maintain the entire lot. The condition of Lot 9 may also reduce its marketability. The lot includes a potential hiking trail that would not be available to the public if that part of the lot is privately owned.

"There are several options for redrawing Lot 9. One possibility is to make its eastern and western boundaries continuous with the eastern and western boundaries of Parcel B (see Figure 5, page 7 of DEIR). Under this alignment, Lots 8 and 9 would still be more than 10,000 sq. ft. in size and would be comparable in size and configuration to the other lots in the proposed project. Another possibility is to consolidate Parcels A and B by including the intervening sloped portions of Lots 8 and 9.

"I recommend that the Regional Park District, which is considering whether to accept Parcel A, be consulted as to a preferred boundary line."

Response. The question of redrawing the boundary between proposed residential Lot 9 and adjacent open space Parcel A is directly related to the question of whether the East Bay Regional Park District will be willing to accept all or a portion of Parcel A. If the District were willing to accept Parcel A, and willing to accept additional area from the west side of proposed Lot 9, such an arrangement would be advantageous to the extent that it would decrease the maintenance responsibility of the Lot 9 owner and increase the area of public-agency liability and assured maintenance-responsibility. If the District were not willing to accept open space Parcel A, or would accept it but not accept additional area from residential Lot 9, then the question would still be whether the Lot 9 area should be reduced in favor of increased open space area on Parcel A. The perceived advantage of such a change would be based on the assumption that the increased area of homeowner-association maintenance responsibility would ensure maintenance which, in terms of quality and regularity, would be superior to that which could reasonably be expected from the Lot 9 owner, considering the vegetation-density and terrain problems which would otherwise be the responsibility of Lot 9. Although there is no guarantee that the association would provide superior maintenance, it is difficult to argue against the logic of this assumption. An alternative to rearranging lot lines

in an attempt to guarantee a certain level of property maintenance would be to retain the proposed relationship between Parcel A and Lot 9, but add the difficult upslope area of Lot 9 to the overall area of open-space maintenance responsibility. Under such an arrangement, Lot 9 ownership would remain as proposed, some area of Lot 9 beyond the immediate area of the house would be included in the regular maintenance of the overall open space areas, and the owner of Lot 9 would individually finance the extra work required to provide his lot's share of the overall maintenance, with his obligation to do so guaranteed by the provisions of the homeowner-association regulations.

H. Fire Prevention

Dick Edminster, #2 West Circle; letter dated May 25, 1989

Comment. Mr. Edminster has expressed concern that outdoor fire hazards resulting from occupancy of the project units could result in wildfire hazard to upslope properties on West Circle and Balboa Drive, and has requested that the EIR consider methods for mitigating this potential, including periodic clearing of plant litter, weeds, and fallen trees in the area above the proposed units, and that the responsibility for such fire-preventive maintenance be placed on the project homeowners, perhaps implemented through requirements imposed in a long-term landscape-maintenance agreement, possibly with maintenance methods based on the fire-prevention standards of the East Bay Regional Park District and the City of Oakland (including recommendations of the interjurisdictional Blue Ribbon Task Force).

Response. It is recommended that the applicant, in conjunction with preparation of the final project landscaping plan, prepare a set of standards for fire-preventive clearance of hazardous weeds, dead plants, and plant litter in the area upslope from the project units, with such standards to be included in the project homeowner-association regulations. This set of standards should establish the level of fire-prevention maintenance which will be conducted on a regular basis as part of the association's regular maintenance of upslope areas. In preparing the standards, the applicant may consult with the Fire Marshal of the City of Oakland and any other experts in wildfire prevention, such as the East Bay Regional Park District. The project landscaping plan, itself, should include the planting, immediately upslope from the houses, of a zone of fire-resistant vegetation, and the homeowner-association regulations should contain a list of additional fire-retardant species which individual homeowners could plant if they wish to modify the landscaping in this zone. The homeowner-association documents should include an explanation of the potential wildfire hazard on the slope above the houses. (It is not anticipated that this mitigation would substantially increase the development burden of the applicant. The recommendations are not intended to result in vegetative clearance in the normal sense of the term. It is recognized, as is recognized by Mr. Edminster in his letter of comment, that the lush vegetation of Shepherd Canyon is one of the area's principle amenities, and that there is always a certain level of wildfire risk associated with this amenity. However, it should be possible, without major disruption of vegetative character, to establish a regular wildfire-prevention vegetative program for the upslope areas of the project site.)

I. Removal of Hazardous Trees

Dick Edminster, #2 West Circle; letter dated May 25, 1989

Comment. "The Draft EIR (p.41) states that a number of the older pine trees on the site are likely to fall, posing a hazard to the proposed development.

"I request that the Final EIR include a program to remove hazardous pines as part of the landscape program mitigation measure (p.60). Further, the program should provide for evaluation by a qualified specialist of trees that may be hazardous to existing houses at the top of the slope, and the removal of such trees as may be warranted. Existing homeowners should be consulted on this.

"A new tree should be planted for each tree removed under this program."

Response. The evaluation and removal of hazardous pine trees on the project site, as discussed in the DEIR (3rd paragraph, page 41) should include pine trees which are potentially hazardous to off-site properties. If on-site trees are hazardous, the applicant should have no obligation to consult with project neighbors before removing such trees. The applicant has no obligation to remove neighbors' hazardous trees. It is not recommended that the applicant be required to replace each of these old pine trees with a new tree. While these old trees have some visual prominence (see Figure 29, page 50 of the DEIR), their replacement is not critical to the maintenance of vegetative screening or the overall visual character of the project site.

J. Design of Fencing

Dick Edminster, #2 West Circle; letter dated May 25, 1989

Comment. "The Draft EIR does not specifically discuss the design of project fencing. Future owners may want to install fences for privacy, to keep out deer, or to help confine small children or pets. Any fencing built on the slope above the project would be visible to existing houses along Balboa and West Circle, to motorists traveling down Shepherd Canyon Road, and to homeowners on the canyon face across from the project.

"I request that the Final EIR consider appropriate design standards for fences in this scenic corridor. Some types of fencing, such as an open wire mesh with simple wood framing, blend in well with natural vegetation. Excessively ornamental, solid or high fences may not."

Response. Considering the dense tree screen between the lower part of the project site and properties fronting West Circle and Balboa Drive, it is difficult to imagine that project-site fencing would be very visible, if visible at all, from upslope residents along those two streets. However, it is acknowledged that indiscriminate placement of some kinds of fencing could result in visual impacts which would be inconsistent with the character of the Shepherd Canyon Corridor. It is recommended that, in conjunction with the preparation of final project plans, the applicant provide a set of fencing standards, binding on the project homeowner association and acceptable to the City, which recognizes the potential visual impacts of various kinds of fencing

on Shepherd Canyon Road motorists and project area neighbors. In general, upper-elevation fencing should be of the wire mesh (Chain Link) type, and solid wood fencing should be limited to the lower-elevation, back yard areas of units, within the zone of fire-retardent landscaping recommended under Comment/Response H, above. Consideration should be given to the preclusion of fencing of any kind at elevations on the upper one-third of the project-site slope.

K. Bedrock Geology

Mitch Che, 6415 Shelterwood Drive; letter dated May 15, 1989

Comment. "The draft EIR indicates that two faults are mapped on the development site. Although the mapping of the eastern trace is questionable, Geo/Resource Consultants, Inc. "...did see some evidence for the eastern trace, in an existing cut slope on Balboa Drive." As a geologist (MS U.C. Berkeley, 1981), I am concerned about the potential hazards of allowing construction of a residential unit over a mapped fault trace. I would not live in that unit. In the event of a major earthquake, earth movement along 'inactive' faults in the Bay area will not be unexpected. I would suggest the City of Oakland consider potential liability to the homeowner and residents before permitting construction of the easternmost unit on the private cul-de-sac, considering the City's prior knowledge of the geologic evidence."

Response. Faults which are mapped through the project site cut bedrock of Cretaceous age, but there is no evidence of movement in Holocene time; that is, there is no evidence that the faults have moved in the last 11,000 years, and they are not considered active by either the U.S. Geological Survey or the California Division of Mines and Geology. The geologic community does not consider that inactive faults pose a significant hazard of surface-fault rupture. However, the sheared rock in the fault zone or the juxtaposition of rocks with different engineering properties may require special foundations. Therefore, it is recommended that the applicant's geotechnical consultant be required to submit an as-graded geologic map of the site, which should include geologic contacts, stratigraphic units, orientation of bedding, and any faults which are identified, along with the location of subdrains. The map should be prepared by a certified engineering geologist and should accompany the grading-completion report. That report should provide details on the character of the fault zone and indicate the measures taken to mitigate possible hazards.

L. Trail Width

East Bay Regional Park District

Comment. "The...mitigation measure on page 57 (of the DEIR) indicates that the private roadway and the trail should be constructed to a standard which could accommodate maintenance vehicles. The District strongly supports the adoption of this mitigation measure as well as all of the statements about trail standards given in Appendix G (the memo from the Oakland Office of Parks and Recreation). The District also notes that among the vehicles which may need to use the trail are fire engines; these vehicles require a trail tread of 9 feet and a clearance of 10 feet laterally. Therefore, the planned 8 foot paved trail section should have at least a 6 inch shoulder on either side constructed to a standard that would accommodate a fire engine, and there should be another

6 inches beyond this on either side free from major tree trunks or other obstructions. The District requests that these facts be considered in the implementation of this mitigation measure."

Response. Final project plans should be approved on the basis of compliance with these standards. The applicant's landscape plan should address any prominent trees along the trail alignment which would be adversely impacted by the implementation of these standards, and should indicate what mitigation measures will be taken to minimize damage to, and long-term impacts on, such trees.

M. General Character of Proposed Development

George Nelidov, 3401 Noyo Street; letter dated April 21, 1989

Comment. Mr. Nelidov has expressed a number of general concerns regarding the proposed project, with specific reference to his objection to "PUD" development. His letter does not specifically address the project EIR.

Response. No response required.

COMMENTS AND RESPONSES - PUBLIC TESTIMONY AT MAY 17, 1989, PLANNING COMMISSION HEARING

A. John Lindenmeyer, East Bay Regional Park District

Comment. Mr. Lindenmeyer, representing the Park District, made no specific comments on the project, but noted that the District had some concerns regarding trail access, which he said would be addressed in a forthcoming letter. He also indicated that the District had received a request from the applicant that the District consider accepting dedication of the proposed project open space parcels (see Dinar-Rubin & Associates letter dated May 10, 1989, in Appendix B).

Response. The Park District's letter of comment, dated May 27, 1989, is contained in Appendix A. This letter is addressed under comment/response item L, above, beginning on the preceding page.

B. Dick Edminster, #2 West Circle, Oakland

Comment. Mr. Edminster made comments on five subjects regarding the proposed project and the Draft EIR: ownership of open space parcels, amount of open space area, fire prevention, removal of hazardous trees, and fencing.

Response. Mr. Edminster's five areas of public-testimony comment are the same as those expressed in his letter of comment dated May 25, 1989, contained in Appendix A. The comments are addressed above, under comment/response items F, G, H, I, and J, beginning on page 7.

C. Paul Tamm, Shepherd Canyon Homeowners Association

1. Comment. Mr. Tamm noted that Shepherd Canyon is a scenic route primarily because of the area's trees, and that a primary concern of project development

is preservation of trees. In this regard, he stated that the Draft EIR's description of the number and locations of trees within the development area of the project site is inaccurate and should be revised, and that minor adjustments should be made in the project street and house locations in order to preserve as many trees as possible.

Response. Locations, species, and sizes of trees discussed in the Draft EIR were based on the project-site topographic site plan prepared by the the project civil engineer. The applicant's final development and landscaping plans should provide accurate locations of important trees and indicate which trees would be removed with development. The extent to which the project can be redesigned to avoid removal of trees is not known, but the applicant's architect has stated that he will attempt to preserve as many trees as possible within the overall constraints of site development. The level of analysis which would be required to determine the discreet design changes which would be needed to preserve individual trees is beyond the scope of the EIR.

2. Comment. Mr. Tamm indicated his homeowner association's preference that proposed open space Parcel A, at the west end of the project site, be dedicated to the East Bay Regional Park District, and suggested that consideration be given to the possibility of a trail along the canyon in this area.

Response. It is possible that a foot trail in the area of open space Parcel A would have some benefit in terms of providing maintenance, and possibly fire-fighting, access to the area; and if the Park District accepts this open space area, it may wish to give consideration to such a trail. However, this does not seem to be a major environmental concern with regard to development of the project.

3. Comment. Mr. Tamm indicated that his association is opposed to the recommendation of the Draft EIR that additional parking be provided in the form of parallel parking bays along the south side of the project street, because such parking would result in a reduction in the depth of the landscape area between the project street and Shepherd Canyon Road. He suggested that any potential problem of project-street travelway congestion could be mitigated by a requirement in the project CC&Rs precluding overnight parking along the street.

Response. The consultant's position is that at least a few parking-bay spaces could be provided without greatly compromising the effectiveness of landscape screening along Shepherd Canyon Road. Adjacent to such bays, the depth of the landscaped area would, at most, be reduced from 24 to 16 feet. With the quality of landscaping which would be demanded for this project, 16 feet of landscaping depth should be sufficient to provide dense screening. (The reader is reminded that the purpose of the recommended parking bays is to mitigate the potential for undesirable reduction of travelway width along the proposed 24-foot-wide project street, which would be caused by parking along the south side of the street. Considering the fact that most of the project units would not have sufficient driveway length to accommodate parking, it could be expected that this would be a regular problem.)

4. Comment. Mr. Tamm indicated that his association approves of the idea of a portion of the Shepherd Canyon Trail running along the project street, but stated that the Draft EIR is confusing with regard to how much of the on-site trail, outside of the street, would be paved.

Response. The submitted project plans (Fig. 5, p. 7 of the DEIR) appear to indicate that the original proposal was to pave the trail only between the west boundary of proposed Lot 9 and the west end of the project street. This was noted in the Draft EIR, and it was recommended that the applicant be required to pave the entire on-site length of the trail. The applicant has agreed to do so.

Nancy L. Gerow
6653 Banning Drive
Oakland, CA 94611

April 20, 1989

Planning Commission
City of Oakland
#1 Plaza
Oakland, CA 94612

Gentlemen:

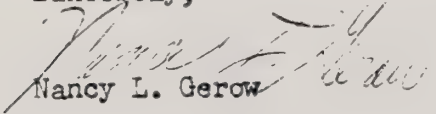
I have had an opportunity to read the Environmental Impact Report for the pending development of nine units at the area of Paso Robles Road and Shepherd Canyon Road. Most areas of concern seem to have been considered.

I do feel, however, that one major problem has not yet been addressed - that of the frequent users of the trail arriving by car to walk their dogs, ride their bikes, or just take a relaxing stroll with the family on a weekend. This trail has been used for many years not only for pleasure and exercise, but for access to Montclair for small shopping needs and walking to work to help ease the parking crunch of a very saturated area.

There appears to be no provisions made for these people to park their cars during this use of the trail, thereby restricting the use of this public facility. Access to the trail will already be restricted by the need to walk "through the front yards" of the proposed units. The alternative to a planned parking area would be to park on Paso Robles Road, a narrow street which cannot accomodate additional cars without reducing the safety of the area. Is it possible for the City of Oakland to make arrangements with Mr. Mel Copland the owner of the logged area east of Paso Robles Drive to develop a parking area there?

Development of the Shepherd Canyon area is extremely distressing since it is one of the last areas of natural, scenic beauty remaining in the City of Oakland. This scenic beauty must be protected and the means of access to this area for all of the people of Oakland must be preserved.

Sincerely,


Nancy L. Gerow

RECEIVED

APR 24 1989

CITY PLANNING COMMISSION
ZONING DIVISION

GEORGE NELIDOV
3401 NOYO STREET
OAKLAND, CA 94602

April 21, 1989

Planning Commission
City of Oakland
Oakland, Ca.

Dear Sirs:

I am writing in regard to the Shepherd Canyon Residences Development (ER 88-50, PUD 83-178). I can only speak in general terms.

I would like to see development that is commensurate with the existing houses in the area; no PUD. PUD distracts from the area and is not in keeping with the single-family, detached homes that have made the area so attractive and desirable.

Remember there is a down-stream effect when you increase the density. There is an impact on the roads, the sewers (and other utilities), the schools, etc.,.

I know the developers want to squeeze the most bucks they can out of their land, but they are not the ones who will live there. Even if they do live there, in time they are gone and their work lives on. This is a nice area and any development should be compatible.

Sincerely,

George Nelidov
George Nelidov

APR 21 1989
CITY OF OAKLAND
PLANNING COMMISSION



architecture
planning
interior design

May 2, 1989

Ms. Anu Raud
City Planning Department
City of Oakland
One City Hall Plaza
Oakland, CA 94612

Re: Shepherd Canyon Residences, File No. ER88-50; PUD83-78

Dear Ms. Raud:

I am writing to submit two accurately drawn perspective drawings projected from the same viewer point as figures 33A and 33B of the EIR (pp.62,63). The purpose of these drawings is as follows:

Perspective I:

1. To correctly place the corner house on the site, approximately 45 ft. from the deck to the intersection of Paso Robles.
2. To correct the distortion in the massing of the first two houses on figure 33A.
3. To correct the height of the units. As shown on figure 33A, the roof lines are three to four ft. higher than are shown on our drawings.
4. To correctly render the size and configuration of the decks above the garages. As shown on figure 33A, they look like oversized platforms. The garage roofs were specifically designed as entry terrances to reduce scale and allow for greater privacy.
5. To add windows, doors, railings, chimneys, exterior materials, street landscaping, and other scale-giving elements.
6. Please note that the view chosen for figure 33A does not allow for the landscaped spaces between the houses to read clearly.

Perspective II:

1. To overlay the proposed landscape screening on Perspective I, and comply with the requirements of figure 33B.
2. To demonstrate that once the landscaping has matured, only a glimpse of the corner house and the entrance road will be visible.

**VIEW A - FROM SHEPHERD CANYON ROAD @
PASO ROBLES DRIVE**

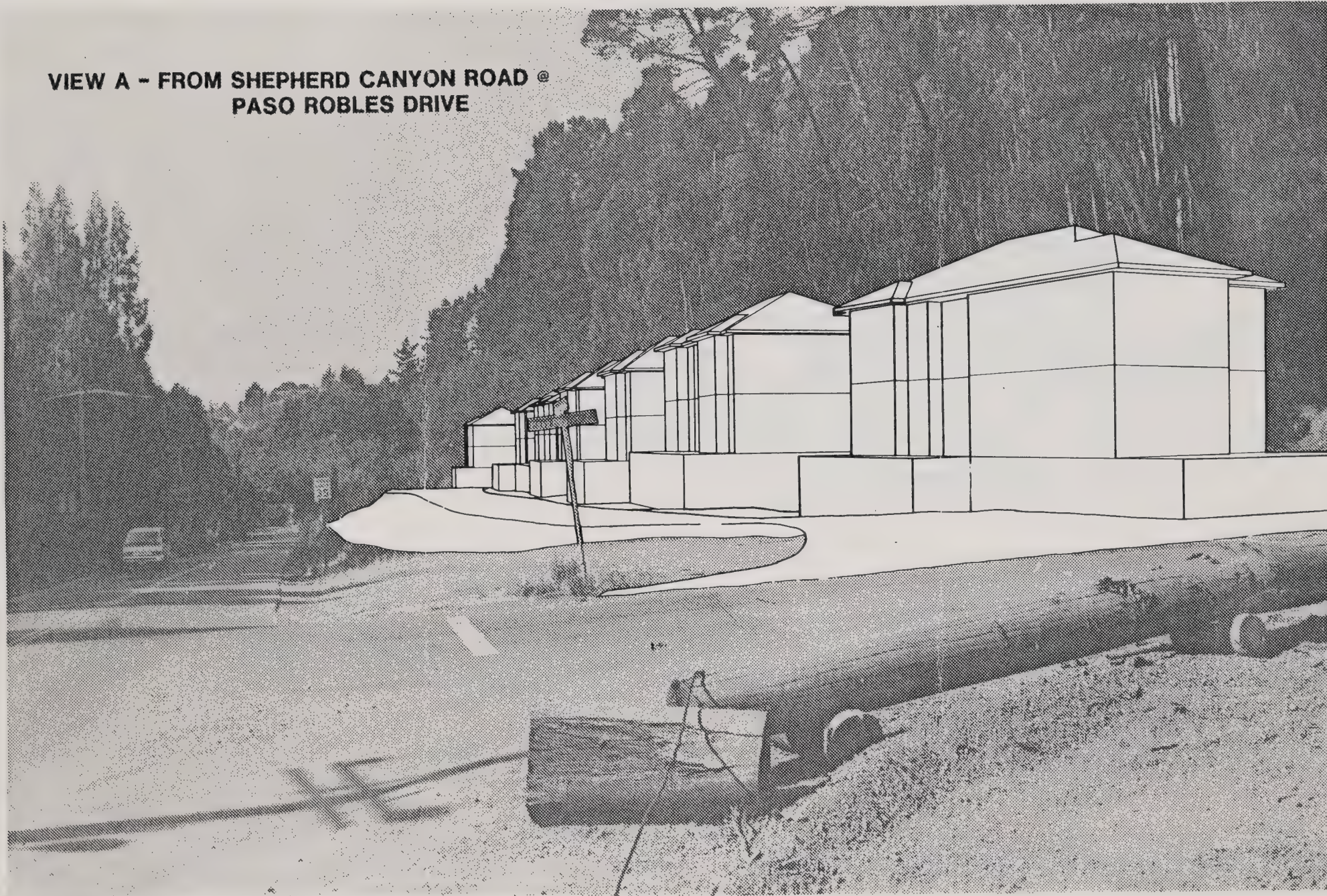


FIGURE 33-A



VIEW A - SHEPHERD CANYON ROAD AT PASO ROBLES DRIVE - PROPOSED LANDSCAPE SCREENING NOT SHOWN

PERSPECTIVE I



VIEW A - SHEPHERD CANYON ROAD AT PASO ROBLES DRIVE - WITH PROPOSED LANDSCAPE SCREENING

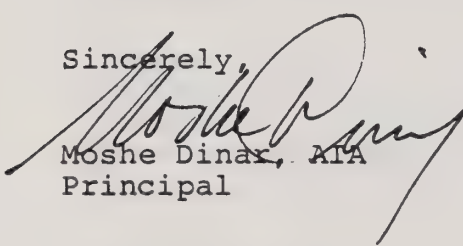
PERSPECTIVE II

Ms. Anu Raud
May 2, 1989
Page 2

Based on our Landscape Plans and Sections, and the enclosed Perspectives I and II, I am certain that the project is more than adequately screened. Furthermore, we have received favorable reactions to the style and architecture of the houses. A small glimpse along the entrance should not be detrimental, and may actually help orient visitors.

I will appreciate if this letter and the perspectives could be included with the comments to the EIR. Thank you again for your consideration.

Sincerely,



Moshe Dinar, AIA
Principal

MD/st
Enclosures

cc. Steven Billington, Shepherd Canyon Development Corporation.

6415 Shelterwood Drive
Oakland, CA 94611
(415) 823-2454

May 15, 1989

Oakland City Planning Commission
6th Floor, City Hall
One City Hall Plaza
Oakland, CA 94612

Attention: Alvin D. James, Director of City Planning

Subject: Draft EIR for Shepherd Canyon Residences (ER 83-50)

Dear sir:

I have received and reviewed the draft EIR for the proposed nine-unit residential development at Shepherd Canyon Road and Paso Robles Drive. As a homeowner living on the south side of Shepherd Canyon Road, I have concerns in the following areas. These are based on daily observations of the proposed project site over the last seven years:

- Project parking: The draft EIR proposes revision of the project plan to include 8 parallel parking spaces for residents along the south side of the proposed private street. This does not address the question of public parking for users of the Shepherd Canyon Bike Trail. As noted by the Office of Parks and Recreation, the "vacant lot at Shepherd Canyon and Paso Robles Drive is being used as an informal staging area for trail users." Every day, I notice trail-users' cars parked safely off the roadway. This area will no longer be available under the proposed project plan. Unless parking is provided, the result may be increased and potentially unsafe parking in and around the proposed development, on Shepherd Canyon Road and Paso Robles Drive. I suggest the proposed eastern-most unit on the cul-de-sac be eliminated. The developer should provide limited public parking on this lot for potential trail-users. Impacts to cul-de-sac residents should be minimized by this placement of parking.

- Shepherd Canyon Road Improvements: The draft EIR proposes widening Shepherd Canyon Road just west of Paso Robles Drive, and provision of a left-turn lane to Paso Robles. I feel this would only increase traffic speeds on Shepherd Canyon Road, which has a posted speed limit of 35 mph. Average speeds of automobiles past Paso Robles Drive and Shelterwood Drive (which carries traffic from Thornhill and other nearby hill roads) on Shepherd Canyon already exceed the speed limit. Speeds in excess of 45 mph are not uncommon. The draft EIR states that the "project traffic would not result in significant congestion or traffic-hazard impact." This is inconsistent with the suggestion of road widening. In fact, Paso Robles Drive acts as a "bottleneck" to reduce average speeds on Shepherd Canyon Road. Unless other steps are taken to reduce speeds on Shepherd Canyon Road at Paso Robles Drive, a left-turn lane at Paso Robles only adds to the safety problem by allowing high-speed passing on the right.

- Bedrock Geology: The draft EIR indicates that two faults are mapped on the development site. Although the mapping of the eastern trace is questionable, Geo/Resource Consultants, Inc. "did see some evidence for the eastern trace, in an existing cut slope on Balboa Drive." As a geologist (MS U.C. Berkeley, 1981), I am concerned about the potential hazards of allowing construction of a residential unit over a mapped fault trace. I would not live in that unit. In the event of major earthquake, earth movement along "inactive" faults in the Bay Area will not be unexpected. I would suggest the City of Oakland consider potential liability to the homeowner and residents before permitting construction of the easternmost unit on the private cul-de-sac, considering the city's prior knowledge of the geologic evidence. As suggested above, use of this lot for limited public parking would be preferable.

- Visual Characteristics and Vegetation: The draft EIR recognizes the extreme impact this project will have on the visual characteristics of the area. The proposed long-term landscape screening of view of the project site from Shepherd Canyon Road will "require years of growth, possibly 10-20 years..." Since the impact of the project on visual characteristics cannot be mitigated over the short term, the City should require provisions for landscape maintenance in addition to the initial landscaping. Bonding or other financial assurances to perform the maintenance should be required from the developer.

I appreciate the opportunity to provide input. Since I am unable to attend the City Planning Commission hearing on May 17, 1989, please have your staff provide me with any information/transcripts from that meeting pertinent to this subject.

Thank you for your attention.

Sincerely,

A handwritten signature in cursive script that reads "Mitch Che".

Mitch Che

East Bay Bicycle Coalition
P.O. Box 1736 Oakland, California 94604

Alan Forkosh
Please reply to: 33 Moss Avenue, # 204
Oakland, CA 94610
(415)655-4221

May 20, 1989

Oakland City Planning Commission
6th Floor, City Hall
One City Hall Plaza
Oakland, CA 94612

Re: DEIR for Shepherd Canyon Residences, File No. ER88-50, Ref. No. PUD83-178

Dear Commissioners:

Thank you for requesting our comments on the Draft Environmental Impact Report for Shepherd Canyon Residences Project. As an organization representing potential bicycle users of the Shepherd Canyon bicycle trail extension and new street we have three concerns:

1. We note that the developer proposes only paving the extension of the Shepherd Canyon trail from the end of the private street to west border of lot 9. Unfortunately, this leaves a substantial unpaved distance from the end of the current paved trail to the area the developer proposes paving. We urge that, as part of the project, the trail be paved throughout the site in accordance with Class I Bikeway Standards found in Section 1003.1 of the California Highway Design Manual.
2. The DEIR states that the bicycle path will be 8 feet wide in a 12-foot easement. We note that the minimum standards for path meant exclusively for bicycle purposes is that the paved area be 8 feet wide with a 2-foot wide graded area on each side. However, when significant pedestrian traffic is expected, the standards recommend that the paved width be greater than 8 feet, preferably 12 feet or more. (California Highway Design Manual, Section 1003.1(1)). As conflict between bicyclists and pedestrians has occurred on other paved trails in the East Bay, we urge that the path be widened, and that, at the very least, the 2-foot border on each side of the path be graded and cleared of vegetation to provide an acceptable area in which to wait while others pass.
3. We are also concerned with access to the path from the private street. That access should be available 24 hours a day and any barriers at the entrance to the path from the street should be designed in accordance with the Class I Bikeway Standard for such barriers discussed in California Highway Design Manual Section 1003.1(13). Note that any barriers should be visible both day and night, and that the opening should be at least 5 feet wide to permit the passage of wide handlebarred bicycles, adult tricycles, and bicycle trailers, and to allow bicyclists to pass through without dismounting.

Thank you again for the opportunity to review the Draft EIR on the Shepherd Canyon Residences Project. If you have any questions on these comments, please call me.

Sincerely yours,



Alan Forkosh
Chair

A-10

cc: Anu Raud

May 25, 1989

Oakland City Planning Commission
City Hall Plaza, 6th Floor
Oakland, California 94612

Dear Commissioners:

This letter is in response to the proposed Planned Unit Development and Draft EIR for the Shepherd Canyon Residences project (PUD83-178/ER88-50).

My home is at 2 West Circle. The project site borders my property on three sides. As proposed, the entire area near my home would be left as open space.

In general, I find the Draft EIR to be comprehensive and accurate. In fact, for a project of this size, the consultant and City Planning staff are to be commended for preparing an outstanding environmental report.

My remaining concerns, which I would like addressed in the Final EIR, are presented below. They mainly relate to the project's open space areas.

Ownership of Open Space Parcels

The Draft EIR states that the issue of ownership and long-term maintenance of the open space parcels should be resolved before the Planning Commission takes action. I strongly agree and request that the Planning Commission not act on the project until this matter is settled.

The EIR identifies a number of alternative owners for the open space parcels: the East Bay Regional Park District, the City of Oakland, splitting Parcel B between adjacent property owners (with development rights granted to the City), incorporating Parcel C into proposed Lots 1-5 (with a scenic easement), or ownership of some or all of the parcels by a homeowners association. All of these alternatives appear reasonable to me.

I am concerned, however, with an alternative recently suggested by the project developers: continued ownership of the open space parcels by the developers, either alone or in conjunction with the homeowners association. The developers propose this option for any parcels not accepted by the Regional Park District or the City. The developers' rationale is that they don't want to "burden" the homeowners with maintenance of open space areas. The developers made this suggestion in a letter to the Shepherd Canyon Homeowners Association and to me orally.

I request that the Final EIR evaluate the suitability of any alternative that includes ownership of open space areas by the developer. The evaluation should address at least these specific concerns:

- . A developer would not appear to have an incentive to properly maintain the open space parcels after the nine houses are sold.
- . A permanent source of funds to pay for insurance and maintenance costs has not been identified.
- . A development corporation is not a permanent entity. It may dissolve itself, go bankrupt, or fail to pay its property taxes. Is this a suitable entity for long-term maintenance of "permanent" open space?
- . Developers normally own property in order to develop it. Under this alternative, is the likelihood increased that the City will be asked at a later date to change the PUD zoning and deed restrictions to allow development of the open space parcels?
- . Would separate, private ownership of parcels that are reserved exclusively for open space provide a legal basis for a developer to claim a hardship, inverse condemnation or present other legal arguments to challenge the open space designation at a later date?
- . In the event that the developer fails to pay the property taxes, is there a danger that the County of Alameda (and thereby the taxpayers of this county) would become the unwilling owner of the land?
- . Is maintenance of open space by a homeowners association an unusual burden? Although a substantial amount of open space is proposed, there would be no costs for on-site recreational facilities or amenities. Couldn't a homeowners association, one that is clearly "upscale," acquire insurance and arrange contracts to care for open space?

I request that the Final EIR address whether some of the potential impacts identified above should be mitigated by adding a deed restriction or other means to prevent the developer or homeowners association (which would initially include the developer) from transferring title to the open space parcels to other entities, except those that would maintain the open space on a permanent basis. The latter might include government agencies; public utilities and non-profit conservation organizations; or consolidation of the open space parcels with other lots with dedication of development rights/scenic easements.

Amount of Open Space

According to the Draft EIR, the developer has proposed to dedicate a total of 2.3 acres to permanent open space (Parcels A, B and C).

I request that the Final EIR address whether maintenance and protection of the open space areas could best be achieved by adding part of what is now shown as "Lot 9" to open space Parcel A.

As currently proposed, Lot 9 is more than one acre. Given this size, as well as the difficult topography and dense vegetation, it is doubtful whether an individual owner will have the ability or interest to properly maintain the entire lot. The condition of Lot 9 may also reduce its marketability. The lot includes a potential hiking trail that would not be available to the public if that part of the lot is privately owned.

There are several options for redrawing Lot 9. One possibility is to make its eastern and western boundaries continuous with the eastern and western boundaries of Parcel 2. Under this alignment, Lots 8 and 9 would still be more than 10,000 sq. ft. in size and would be comparable in size and configuration to the other lots in the proposed project. Another possibility is to consolidate Parcels A and B by including the intervening sloped portions of Lots 8 and 9.

I recommend that the Regional Park District, which is considering whether to accept title to Parcel A, be consulted as to a preferred boundary line.

Fire Prevention

The Draft EIR (p. 56) states that the project site is in a critical fire hazard area. As a mitigation measure, the EIR suggests requiring that sprinklers be installed in the new houses.

The existing project site has an accumulation of plant litter, weeds, and fallen and dead trees. In a "natural" environment, periodic fires will clear such debris. Such fires are infrequent in the urban setting of Oakland. As a result, when there is a fire, the high fuel load can cause a much more intense blaze than would occur in "nature." The proposed new houses will increase the fire hazard caused by outdoor activities such as children's play, bar-b-ques, cigarettes, etc. The existing upslope houses on Balboa and West Circle are especially vulnerable to wildfires.

I request that the Final EIR consider additional fire prevention mitigation measures. I do not consider it necessary to denude the hillside to reduce the fire hazard. Also, where existing upslope homeowners have not reduced the fuel load on their own properties, I do not think it is fair to place this burden solely on the new development.

I specifically request that the Final EIR consider a mitigation measure to require deed restrictions or other means to ensure annual clearance of plant litter, debris, weeds, fallen or dead trees and other fire control measures. I recommend that the Final EIR refer to existing outdoor fire prevention standards of the Regional Park District and the City (including recommendations of the interjurisdictional Blue Ribbon Task Force). Implementation of this mitigation measure could be done in conjunction with the landscape maintenance agreement called for in the Draft EIR (p. 61). The restrictions should apply to both the designated open space parcels (unless these are owned by a public agency) and to the slope areas of Lots 1-9.

Removal of Hazardous Trees

The Draft EIR (p. 41) states that a number of the older pine trees on the site are likely to fall, posing a hazard to the proposed development.

I request that the Final EIR include a program to remove hazardous pines as part of the landscape program mitigation measure (p. 60). Further, the program should provide for evaluation by a qualified specialist of trees that may be hazardous to existing houses at the top of the slope, and the removal of such trees as may be warranted. Existing homeowners should be consulted on this.

A new tree should be planted for each tree removed under this program.

Design of Fencing

The Draft EIR does not specifically discuss the design of project fencing. Future owners may want to install fences for privacy, to keep out deer, or to help confine small children or pets. Any fencing built on the slope above the project would be visible to existing houses along Balboa and West Circle, to motorists traveling down Shepherd Canyon Road, and to homeowners on the canyon face across from the project.

I request that the Final EIR consider appropriate design standards for fences in this scenic corridor. Some types of fencing, such as an open wire mesh with simple wood framing, blend in well with natural vegetation. Excessively ornamental, solid or high fences may not.

Thank you for the opportunity to review the proposed PUD and Draft EIR. If you have any questions concerning my comments, please contact me by phone at 339-2485 or at my mailing address.

Very truly yours,



Dick Edminster

Mailing Address: P.O. Box 6234
Hayward, CA 94544
339-2485

cc: Linda Pratt, East Bay Regional Park District
Charles Steidtmann, Shepherd Canyon Homeowners Association



East Bay Regional Park District

11500 SKYLINE BOULEVARD, OAKLAND, CA 94619-2443 TELEPHONE (415) 531-9300 FAX: (415) 531-3239

BOARD OF DIRECTORS
MARY LEE JEFFERDS, President
JAMES H. DUNCAN, Vice President
JOHN O'DONNELL, Secretary
HARLAN KESSEL, Treasurer
JOCELYN COMBS
KAY PETERSEN
TED RADKE
*
PAT O'BRIEN
General Manager

May 27, 1989

Ms. Ann Raud
Oakland Planning Dept.
One City Hall Plaza
Oakland, CA 94612

SUBJECT: DEIR for the Sheperd Canyon Residential Development
(subdivision 5915)

Dear Ms. Raud:

The East Bay Regional Park District notes that the project, as currently proposed, would accommodate trail use without requiring the removal of the dense vegetation along the top of the embankment along Sheperd Canyon Drive. The first mitigation measure on page 57 indicates that the private roadway and the trail should be constructed to a standard which could accommodate maintenance vehicles. The District strongly supports the adoption of this mitigation measure as well as all of the statements about trail standards given in Appendix G (the memo from the Oakland Office of Parks and Recreation). The District also notes that among the vehicles which may need to use the trail are fire engines; these vehicles require a trail tread of 9 feet and a clearance of 10 feet laterally. Therefore, the planned 8 foot paved trail section should have at least a 6 inch shoulder on either side constructed to a standard that would accommodate a fire engine, and there should be another 6 inches beyond this on either side free from major tree trunks or other obstructions. The District requests that these facts be considered in the implementation of this mitigation measure.

The District has only recently been offered the dedication of the proposed open space parcels and has not yet completed its evaluation of this offer. The District agrees with the analysis in the EIR (p. 56) and in Appendix G that there are a number of feasible alternatives to provide for the maintenance of these lands.

The District appreciates the opportunity to review and comment on this EIR.

Very truly yours,

A handwritten signature in dark ink, appearing to read 'T.H. Lindenmeyer', with a long, sweeping horizontal stroke extending to the right.

T.H. Lindenmeyer
Environmental Specialist

cc: P. O'Brian
T. Mikkleson
M. Turner
K. Shea
R. Doyle
R. Aguilar
Board of Directors

SHEPHERD CANYON HOMEOWNERS ASSOCIATION
P.O. BOX 13201
OAKLAND, CA 94661

September 12, 1988

Stephen James Russell, Esq.
Russell, Joy & Feinberg
One Kaiser Plaza, Suite 2135
Oakland, California 94612

Re: Canyon Cove Project

Dear Steve:

Our board of directors has recently met and reviewed the current 9-house site plan dated July 11, 1988, for the Canyon Cove project. As you are aware, our association desires to see the site developed in accordance with the Shepherd Canyon Corridor Specific Plan. Although your current proposal shows several more homes than appear to be permitted under the Specific Plan, we are willing to support your proposal provided that the following items are resolved to our satisfaction:

1. The lot size of the lot that is farthest to the west should be reduced so that it is approximately equivalent to the size of the other lots shown.
2. Before the plan is finalized and the final lot lines are drawn, we would like to see exactly how the houses will be sited among the existing trees.
3. We would like to know whether the new roadway will be a private road or a dedicated public road.
4. We would like to come to some understanding as to how the vegetation strip between Shepherd Canyon Road and the new road will be owned and how the vegetation in this strip will be upgraded and maintained.
5. We would like to see all open space (which includes all of the Roemer property to the west) conveyed, with a suitable deed restriction preventing future development, to a public entity such as the City of Oakland or the East Bay Regional Park District.
6. We would like to see a detailed landscape plan for the project.

Stephen James Russell, Esq.
September 12, 1988
Page 2

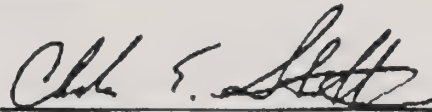
7. We would like to come to some understanding as to how the bicycle path will be completed and how it will be routed through the land west of the new road.

8. We would like the project put on some sort of time table so that it does not drag on like Mel Copland's project has.

We have enjoyed working with you and Mr. Moshe Dinar and look forward to bringing this matter to a successful resolution.

SHEPHERD CANYON HOMEOWNERS
ASSOCIATION

By:


Charles E. Staltdmann

CES:bah



architecture
planning
interior design

May 5, 1989

Charles E. Steidmann and Michael Bowman
Shepherd Canyon Homeowners Association
P.O. Box 13201
Oakland, CA 94661

Re: Shepherd Canyon Residences; File No. ER88-50; PUD83-78

Dear Charles and Mike:

Now that the draft EIR has been released for public review and comments, I would like to respond to your letter of September 12, 1988. I will also be available at your May 11, 1989 board meeting to present the Landscape Plan, answer questions, and help clarify issues of concern to the membership.

Please refer to the attached copy of your letter:

Item 1: As you may remember, Lot 9 is larger than the rest due to the elimination of the 10th house in an earlier scheme. The conditions of the PUD stipulate that none of the lots can ever be subdivided, thereby insuring that no additional houses can be built within the project boundaries.

Due to its larger lot size, House 9 can be sold for a higher price to help offset the exceedingly high development, sitework, and landscaping costs. Please consider that 9 rather than 13 houses are being built, while the sitework costs remain virtually the same, if not higher.

Item 2: We will submit a copy of the final Site Plan showing the location of all the houses with respect to the existing trees. As required by the City of Oakland and the EIR, all existing trees to be removed will be tagged by a licensed arborist for inspection before cutting.

Item 3: As specified in the EIR, the new road will be a private street. Access will be granted to maintenance and emergency vehicles and bicycle/pedestrian trail use.

Item 4: The landscaped strip between Shepherd Canyon Road and the new street will be maintained by the 9-homeowner association. Any public landscaping along the new street will also be their responsibility to maintain.

90 Gold Street

San Francisco, CA

9 4 1 3 3

415 • 956-1033

Charles E. Steidmann and Michael Bowman

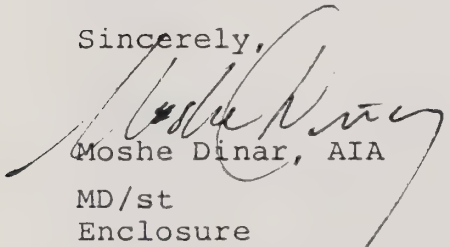
May 5, 1989

Page 2

- Item 5: We have already contacted the East Bay Regional Park District with regard to the three open space parcels. In the event that no public entity is interested in the property, these parcels shall be conveyed to the Shepherd Canyon Development Corporation and the 9-homeowner association with a suitable deed restricting future development.
- Item 6: A detailed Landscape Plan will be presented at the May 11, 1989 meeting. This plan has also been submitted to the City of Oakland Planning Department.
- Item 7: As specified in the EIR, the bicycle path will be built up to the west property line of the project boundary.
- Item 8: Given the lengthy approval process by the Planning, Site-work, and Building Departments, it is unfeasible for us to establish a project schedule at this point.

I hope that these answers will help resolve any matters that are still pending. If you have further questions or need additional information, please call. I am looking forward to our next meeting.

Sincerely,



Moshe Dinar, AIA

MD/st

Enclosure

cc. Ms. Anu Raud, City of Oakland Planning Department
Mr. Steven Billington
Shepherd Canyon Development Corporation



architecture
planning
interior design

May 10, 1989

Mr. Robert Doyle
East Bay Regional Park District
Land Acquisitions Department
11500 Skyline Boulevard
Oakland, CA 94619

Re: Shepherd Canyon Residences, PUD83-178, ER88-50
Dedication of open space parcels.

Dear Mr. Doyle:

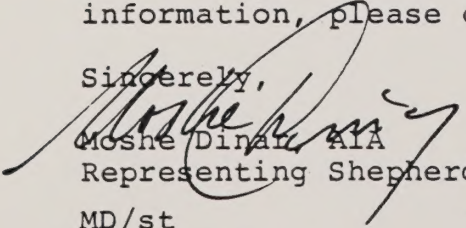
Please excuse the delay in contacting you regarding this matter. We feel that it is more efficient to discuss the future of these parcels now that the EIR and the drawings have been released for public comments. We are enclosing copies of the Site Plan and Tentative Subdivision Map.

As you know from previous communications with Steven Billington, we would like to deed three open spaces parcels (see enclosed plans) to the East Bay Regional Park District. One of the parcels borders an existing EBRP property. The two upper parcels are along Balboa Drive and West Circle. With the exception of a few houses, the three parcels could form an almost continuous green belt that would be deeded as permanent open space restricting any future development.

Please note that the final location of the bicycle/pedestrian trail as shown on the plans has been approved by the Shepherd Canyon Homeowners Association. The current layout allows for a larger landscaped strip along Shepherd Canyon Road.

We hope that the East Bay Regional Park District will be interested in these parcels. If you have any questions or need additional information, please call. Thank you for your consideration.

Sincerely,


Moshe Dinar, AIA

Representing Shepherd Canyon Development Corporation

MD/st

Enclosure

cc. Mr. Ed Del Beccaro, Shepherd Canyon Development Corporation
Mr. Steven Billington
Ms. Anu Raud, City of Oakland Planning Department

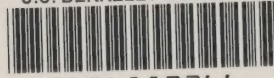
90 Gold Street

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